

FILED  
COURT OF APPEALS  
DIVISION II

NO. 44573-5-II

COURT OF APPEALS, DIVISION II NOV 13 PM 1:06

STATE OF WASHINGTON

STATE OF WASHINGTON

BY  DEPUTY

RESPONDENT,

VS.

JOHN E. GRIFFITHS JR.,

APPELLANT.

APPEAL FROM THE SUPERIOR COURT  
FOR THE COUNTY OF THURSTON

The honorable Chris Wickham, Judge.  
Cause No. 12-1-00616-8

STATEMENT OF ADDITIONAL GROUNDS

S.C.C.C  
191 constantine way,  
Aberdeen Wa. 98520  
360-537-1800

SUMMARY PROFILE OF MR. GRIFFITHS:

D.O.B. 05-16-1983

White male  
Height 5-9  
Weight 170  
eyes green  
Hair brown

Schooling 65 out of 90 community college credits welding major

Work background:

mechanic, welder, metal fabricator.  
Snow sports instructor- for crystal mt ski resort  
Department of corrections employee 2010  
security guard crystal mt 2002  
Precast worker, Traylor Bros, making tunnel sections for the  
university district tunnel. 2001-12

volunteer work:

Grandmound fire department 1998-2000  
life scout of troop 300 of centralia Wa. of the boy scouts  
of America.  
overall good Samaritan.  
low cost, laborer, for disabled, retired rochester fire dept.  
lieutenant.  
care taker of family elders

family:

eldest son  
big brother  
grandfather's name sake  
loving father of three young children under age seven

self descriptive words:

loving, humble, protective, empathetic, faithful, believing in  
a higher power than one's self, student, teacher, apprentice,  
craftsman, honest worker, friendly, brave, courageous, disciplined,  
positive influence to many, servant to god and country,  
defendant to those in need and good human being.

ZERO JUVENILE OR ADULT CRIMINAL HISTORY

ZERO DRUG OR ALCOHOL ABUSE HISTORY

ZERO MENTAL HEALTH HISTORY

less than perfect spelling and typing skills

JOHN EVAN GRIFFITHS JR.  
D.O.C. 364619 S.C.C.C.  
191 CONSTANTINE WAY,  
ABERDEEN WA. 98520

STATEMENT OF ADDITIONAL GROUNDS FOR DIRECT APPEAL:

GROUND ONE:

FOUNDATION.

I was twice put in jeopardy for the same alleged offence. Once in 2012 and again in 2013. This is a violation of both my US. and WA. state constitutional rights, particularly my US. fifth amendment rights and article one section two and nine of the WA. state constitution.

The US. fifth amendment states; "nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall any person be compelled in any criminal case to be a witness against himself, etc.

Article one section two states; The constitution of the united state's is the supreme law of the land.

Article one section nine states; No person shall be compelled in any criminal case to give evidence against himself, "or twice be put in jeopardy for the same offence."

These violations were brought on by, the court's violation of my sixth and fourteenth amendments of of the US. constitution.

GROUND ONE, CONTINUED.

ARGUMENT:

The state would argue that, this is not a case of double jeopardy, because the defence stipulated to the mistrial.

I, Mr. Griffiths, argue, that, by my counsel doing so, violated my sixth amendment right, to have assistance of counsel. By my attorney doing so, he aided the state in their prosecution of me. Had my defence counsel, been acting within the interest of justice, as well as the best interest of his clients rights, then the state would not had the second opportunity, that it desperately needed to obtain a conviction.

Further more the state would argue that the second trial was a continuance of the first, as a way of justifying successive prosecutions. Had this truly been the case, then the same jury would of had to of been present at the second trial. As such there would of been no need for, motions in limine, hearing of evidentiary issues or any other pre trial procedures.

At no point in the US. fifth amendment, is there a exception for in the case of a mistrial. The intent of the fifth amendment is very clear. Had our forefathers intended for such a exception, it would of been written into the fifth amendment, just as was included in the thirteenth amendment, where slavery was abolished, "except" as punishment for crime ect. The architect's of our nation had no problems using the proper language, to make their intentions clear.

## AUTHORITIES

United States Constitution.  
Fith Amendment  
Sixth amendment  
Thirteenth amendment  
Fourteenth Amendment

Washington State Constitution  
Article One  
Section two  
Section Nine

Verbatim of court proceedings  
State of Washington v. Griffiths November of 2012 and January  
of 2013.

CONCLUSION:

Baced on the facts contained in the prior page's,  
I, JOHN E. GRIFFITHS JR. respectfully request that this court,  
reverse this conviction without prejutice to MR. GRIFFITHS,  
and with prejutice to the state of washington.

DATED the 7th day of november 2013

Prepared for and by JOHN E. GRIFFITHS JR.

*John E. Griffiths Jr.*